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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of)
)
Hodges Media, LLC)
)
Application for License to Cover)
W289CU, Channel 289,)
Knoxville, Tennessee)

Facility ID No. 201183
File No. BLFT-20181004ABC

Received-FCC

Attn: Chief, Audio Division, Media Bureau

MAR 28 2019

SECOND RESPONSE TO INTERFERENCE COMPLAINT Bureau / Office

Hodges Media, LLC (“Hodges Media”), licensee of FM translator W289CU, Knoxville, Tennessee (Facility ID No. 201183) (“W289CU”), by its undersigned counsel, hereby responds the additional listener interference complaints filed by 3B Properties, Inc. (“3B Properties”), licensee of FM broadcast station, WIHG, Rockwood, Tennessee (Facility ID No. 51113) (“WIHG”), in conjunction with 3B Properties’ February 27, 2019 Motion to Deny Extension of Time Request and Amended Complaint (“Motion and Amended Complaint”). For the reasons stated herein, each of the additional listener complaints are made by complainants which are not *bona fide* and therefore, the complaints should be dismissed. Alternatively, to the extent that the Commission deems that complaints made by *bona fide* complainants remain following this Response, Hodges Media will continue its ongoing efforts in resolving the interference complaints.

I. BACKGROUND

On February 5, 2019, the FCC’s Media Bureau – Audio Division issued a letter (“Letter”) ordering Hodges Media to respond to each of the 7 actionable listener complaints provided in

support of 3B Properties' original interference complaint against W289CU.¹ The Letter required Hodges Media to include the following information in its Complaint Report:

[f]or each of the [] actionable listener complainants . . . (1) the name and address of each complainant; (2) specific devices receiving the interference (*i.e.* type of device, manufacturer's name, model number, and serial number); and (3) any assistance provided by the Station for each device allegedly receiving the interference and whether such interference persists.²

Following receipt of the Letter, on February 18, 2019, Hodges Media began contacting each of the 7 actionable listener complainants to resolve their interference complaints – specifically requesting the device information noted in the Letter.³ Hodges Media submitted its Response (“First Response to Interference Complaint”) to the Letter on March 7, 2019.⁴ Hodges Media noted that each of the 7 actionable listener complaints were made by complainants who were not *bona fide* due to their lack of cooperation with Hodges Media's efforts.⁵ Therefore, Hodges Media requested that the complaints be dismissed.⁶ Alternatively, Hodges Media stated that it would continue its ongoing efforts to resolve the interference complaints of Mr. Marino and Ms. Morris if the Commission deemed that those complainants remained *bona fide* following Hodges Media's First Response to Interference Complaint.⁷

¹ Letter from James D. Bradshaw, Senior Deputy Chief, FCC Media Bureau – Audio Division, to 3B Properties, Inc. and Hodges Media, LLC (1800B3-KV) at 4-5 (Feb. 5, 2019) (“Letter”). *See also* 3B Properties, Inc.'s Emergency Interference Complaint (filed Nov. 30, 2018).

² Letter at 5.

³ Hodges Media, LLC's Response to Interference Complaint, Declaration of Nathan A. Hodges ¶ 3 (Mar. 7, 2019) (“First Response to Interference Complaint”).

⁴ *See generally id.*

⁵ *Id.* at 1, 2-4.

⁶ *Id.* at 8-9.

⁷ *Id.* at 1, 4-6.

On February 12, 2019, Hodges Media submitted a request for extension of time (“Extension Request”) to respond to the Letter.⁸ 3B Properties responded to the Extension Request on February 27, 2019 with its Motion and Amended Complaint.⁹ The filing included 3 additional listener complaints of interference by W289CU with the listeners’ reception of WIHG.¹⁰ The Audio Division denied Hodges Media’s Extension Request via email (“Email”) on March 5, 2019 for being improperly filed.¹¹ The Division, however, noted that Hodges Media “has 30 days from February 27, 2019, to address the listener complaints,” i.e., March 29, 2019, filed in conjunction with 3B Properties’ Motion and Amended Complaint.¹²

Following the Email, Hodges Media contacted complainants Mr. Smith and Mr. Roddy.¹³ The third additional complainant, Ms. Farney, was not contacted again by Hodges Media because she previously refused to provide information about the allegedly interfered-with device, and therefore, was no longer a *bona fide* complainant.¹⁴ During this timeframe, Hodges Media

⁸ See generally Letter from Keenan P. Adamchak, Esq., Counsel for Hodges Media, LLC, to James D. Bradshaw, Senior Deputy Chief, FCC Media Bureau – Audio Division (Feb. 12, 2019) (submitted via email).

⁹ See generally 3B Properties’ Motion to Deny Extension of Time Request and Amended Complaint (filed Feb. 27, 2019) (“Motion and Amended Complaint”).

¹⁰ *Id.* (complaints of Mr. Smith, Mr. Roddy, and Ms. Farney).

¹¹ Email from James D. Bradshaw, Senior Deputy Chief, FCC Media Bureau – Audio Division, to Keenan P. Adamchak, Esq., Counsel for Hodges Media, LLC, and Kirk Tollett, Vice President/GM, 3B Properties (Mar. 5, 2019).

¹² *Id.* (“Concerning the [additional] listener complainants, as noted in footnote 35 of the Bureau’s letter, dated February 5, 2019, ‘[T]he obligation to resolve interference complaints is ongoing. Specifically, should any complaints be filed in the future, Licensee must resolve or address those complaints within 30 days of receipt.’ Accordingly, Hodges has 30 days from February 27, 2019, to address the listener complaints.” (quoting Letter at 5, n.35)).

¹³ See Second Declaration of Nathan A. Hodges at ¶ 3 (“Second Hodges Declaration”), attached hereto as **Attachment C**.

¹⁴ See *id.* ¶ 3. See also First Response to Interference Complaint at 3.

also continued its efforts in resolving Mr. Marino and Ms. Morris' interference complaints.¹⁵

Finally, Hodges Media also corresponded with Mr. Rosenbalm, a complainant previously deemed not to be *bona fide* due to his lack of cooperation with Hodges Media's efforts.¹⁶

II. THE REMAINING COMPLAINANTS ARE NOT *BONA FIDE*

Section 74.1203(a) of the Commission's rules prohibits "actual interference to . . . [t]he direct reception by the public of the off-the-air signals of any authorized broadcast station"¹⁷ The Commission has interpreted "direct reception by the public" to limit actionable complaints to those that are made by *bona fide* listeners.¹⁸ The FCC only considers complaints of interference by FM translators where "the complainant *cooperates* in efforts to identify the source of interference."¹⁹ Accordingly, complaints made by complainants that are not *bona fide* are not actionable by the Commission.²⁰

¹⁵ Second Hodges Declaration ¶ 6. *See also* Update to March 7, 2019 Complaint Report at 1-3 ("First Complaint Report Update"), attached hereto as **Attachment A**.

¹⁶ Second Hodges Declaration ¶ 5. *See also* First Complaint Report Update at 3.

¹⁷ 47 C.F.R. § 74.1203(a).

¹⁸ *Association for Community Education*, Memorandum Opinion and Order, 19 FCC Rcd. 12682, 12688, ¶ 16 (2004) ("*Association for Community Education*").

¹⁹ *Id.* (emphasis added) (citing *Radio Power, Inc.*, Letter, 26 FCC Rcd. 14385, 14385-86 (MB 2011)).

²⁰ *See Creation of a Low Power Radio Service*, Fifth Order on Reconsideration and Sixth Report and Order, 27 FCC Rcd. 15402, 15432, ¶ 83 (2012) ("[W]hen the Commission concludes that a bona fide listener has made an actionable complaint of uncorrected interference from an FM translator, it will notify the station that 'interference is being caused' and direct the station to discontinue operations." (citing first 47 C.F.R. § 74.1203(e); then citing *Amendment of Part 74 of the Commission's Rules Concerning FM Translator Stations*, Report and Order, 5 FCC Rcd. 7212, 7230, ¶ 131 (1990), *modified*, 6 FCC Rcd. 2334 (1991), *recon. denied*, 8 FCC Rcd. 5093 (1993); and then citing *Association for Community Education*, 19 FCC Rcd. at 12688, ¶ 15)).

Mr. Roddy, Mr. Smith, and Mr. Rosenbalm each do not meet the Commission's criteria for a *bona fide* complainant because they each failed to cooperate with Hodges Media's efforts in resolving their complaints:

Complainant	Reason
Darrell Roddy	Refused to provide information about the allegedly interfered with device. ²¹
Stephen Smith	Failed to provide information regarding the allegedly interfered with device. ²²
Larry Rosenbalm, Jr.	Refused to provide information about the allegedly interfered with device. ²³

Thus, these 3 interference complaints filed against W289CU regarding the FM translator's alleged interference with WIHG's signal must be deemed non-actionable and rejected by the Commission for failing to be filed by *bona fide* complainants due to the complainants' lack of cooperation with Hodges Media's remediation efforts.²⁴

III. HODGES MEDIA'S ONGOING EFFORTS TO RESOLVE MR. MARINO AND MS. MORRIS' COMPLAINTS

If the Commission finds that complainants Mr. Marino and Ms. Morris remain *bona fide* complainants, Hodges Media will continue its efforts to resolve those complaints.²⁵ As

²¹ Additional Listener Complaints Report at 1, attached hereto as **Attachment B**. Mr. Roddy did state that the allegedly interfered with radio was in his 2013 Ford F-150. *Id.*

²² *Id.* at 2. Mr. Smith did state that the allegedly interfered with radio was a windshield radio in his 2005 Toyota Camry. *Id.* Mr. Smith, a broadcast engineer, also offered to do engineering work for Hodges Media. *Id.*

²³ *Id.* Mr. Rosenbalm did state that the allegedly interfered with radio was in his 2007 Chevy Cobalt. *Id.*

²⁴ Second Hodges Declaration ¶¶ 3-6.

²⁵ Hodges Media incorporates its previous assertion that Mr. Marino and Ms. Morris are not *bona fide* complainants due to their failure to provide all the requisite information regarding their allegedly interfered with devices. See Second Hodges Declaration ¶ 6; First Response to Interference Complaint at 3.

explained in its First Response to Interference Complaint, Hodges Media's efforts at resolving Mr. Marino and Ms. Morris' interference complaints using FCC-approved suitable techniques were unsuccessful.²⁶ Therefore, in conjunction with Mr. Marino and Morris, Hodges Media began conducting on/off tests on March 7, 2019 to determine areas in which WIHG may be experiencing interference from W289CU's signal.²⁷ On/off testing revealed that W289CU was not the source of the alleged interference to Ms. Morris' reception of WIHG's signal in most of areas noted by the complainant.²⁸ Testing in the areas noted by Mr. Marino, however, revealed that "with W289CU off, the reception did improve in some areas" specified by the complainant.²⁹

Based on the on/off testing results, Hodges Media now tentatively proposes to modify W289CU's antenna pattern to eliminate any interference to the west of its transmitter – i.e., in the direction of WIHG's transmitter – by modifying the translator's 60 dBμ service contour as shown in the map prepared by its consulting engineers attached to the First Response to Interference Complaint.³⁰ Based on the conclusions of its consulting engineers, Hodges Media believes that this proposed modification of W289CU's antenna pattern will mitigate any interference caused to WIHG's reception in the western areas of Knoxville, Tennessee, while

²⁶ See First Response to Interference Complaint at 4-5.

²⁷ Second Hodges Declaration ¶¶ 7-8. See also *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Notice of Proposed Rulemaking, 33 FCC Rcd. 4729, 4733, ¶ 7 (2018) ("*Translator NPRM*") ("On-off tests may be required on a case-by-case basis to determine whether the translator is the source of the alleged interference." (citing *Apple 107.1, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 28 FCC Rcd. 15722, 15723, ¶ 4 (MB 2013))).

²⁸ See Second Hodges Declaration ¶ 8; First Complaint Report Update at 2-3.

²⁹ See Second Hodges Declaration ¶ 8; First Complaint Report Update at 1.

³⁰ Second Hodges Declaration ¶ 9.

permitting W289CU to continue providing a viable service to that market.³¹ As explained in Hodges Media's First Response to Interference Complaint, doing so would prevent Hodges Media from being an "*unintended victim* of the gap between the current FM translator interference complaint rules and the FCC's AM Revitalization program's goals"³²

Indeed, 3B Properties appears to share the same sentiment, noting in email correspondence with Hodges Media's legal counsel that a modification of W289CU's antenna "may be an acceptable solution" to WIHG's interference issues.³³ 3B Properties subsequently presented a counterproposal using different engineering equipment.³⁴ Hodges Media, however, rejected 3B Properties' counterproposal because, due to cost considerations, it prefers to continue exploring all options with its current equipment.³⁵ Nevertheless, Hodges Media believes that it can achieve a mutually-acceptable engineering solution to WIHG's interference issues.³⁶

CONCLUSION

For the foregoing reasons, Hodges Media requests that the Commission dismiss all interference complaints made by complainants who are not *bona fide*. Furthermore, should the Commission deem that complaints made by any *bona fide* complainants remain unresolved, Hodges Media requests that the Commission hold any final decision in this proceeding under

³¹ *Id.* See also *Translator NPRM*, 33 FCC Rcd. at 4733, ¶ 8 (stating that suitable techniques for mitigating interference include "modifying the antenna's height or orientation . . . or using a directional antenna" (citation omitted)).

³² First Response to Interference Complaint at 7.

³³ See Email Correspondence between Keenan P. Adamchak, Esq., Counsel for Hodges Media, LLC, and Kirk Tollett, Vice President/GM, 3B Properties (Mar. 12-20, 2019), attached hereto as **Attachment D**.

³⁴ *Id.*

³⁵ Second Hodges Declaration ¶ 10.

³⁶ *Id.*

73.1203(b) of the Commission's rules until it has found a mutually-acceptable engineering solution to WIHG's interference issues.

Respectfully submitted,

HODGES MEDIA, LLC



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Counsel for Hodges Media, LLC

Dated: March 28, 2019

ATTACHMENT A

Update to March 7, 2019 Complaint Report

Attachment A

Update to March 7, 2019 Complaint Report

<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints¹</u>	<u>Efforts to Resolve Interference</u>
Rich Marino 10050 Andrews Pointe Way Knoxville, TN 37931	Type: Car- 2004 Pontiac GTO <u>Manufacturer:</u> Blaupunkt <u>Model Number:</u> SYS 4-SS US <u>Serial Number:</u> Not provided	Additional Communication after March 7, 2019 Deadline – <u>March 8, 2019 – 8:05 am</u> – Via text message from Mr. Marino: “There is no improvement along I-40 with both signals still competing with each other. At some points, one signal may be slightly stronger than the other, but at no point was either station listenable.”	Additional after March 7, 2019 Deadline – During the on/off test with W289CU off, the reception did improve in some areas along this route. However, tuning to WIHG still produced some static along the route even with W289CU off. <u>These locations are well beyond the outer limits of WIHG.</u> The engineering modification proposed will resolve interference that may persist in these locations.

¹ Efforts in resolving each interference complaint were made by Nathan Hodges, Owner/GM. All references to “T” are to Nathan Hodges.

W289CU, Knoxville, Tennessee
 Facility ID No. 201183
 File No. BLFT-20181004ABC
 Interference Complaint (1800B3-KV)

<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints</u>	<u>Efforts to Resolve Interference</u>
Remmi P. Morris 4253 Kingston Pike Knoxville, TN 37919	<p><u>Type:</u> Car- 2004 GMC Sierra 1500 Car- 2006 Mazda MX-5 Miata Car- 2009 Honda Accord</p> <p><u>Manufacturer:</u> Not provided</p> <p><u>Model Number:</u> Not provided</p> <p><u>Serial Number:</u> B010700 on Honda</p>	<p>Additional Communication after March 7, 2019 Deadline – <u>March 8, 2019 – 10:34 am</u> – Via text message from Ms. Morris: “3/8 9:25 am WKGN at 4253 Kingston Pike Papermill: All WKGN Walker Springs: First heard WHG (barely) at Walker Springs. Cedar Bluff – All WKGN Pellissippi – All WKGN Lovell – WKGN and WHG signals fighting each other Watt Rd. – WHG clear signal. It was still clear in Cleveland. For years we heard WHG clearly from Watt Road to Papermill – sometimes on 640 almost to Broadway. We travel Watt Road to Papermill at least five days a week.”</p>	<p>Additional after March 7, 2019 Deadline – In the original complaint submitted by WHG, when asked to “describe specific location(s) of the interference.” Ms. Morris stated, “Static on I-75 near the Calhoun exit. Static on I-75 near the Lenoir City exit.” <u>Ms. Morris contradicts this statement in her March 8th text message.</u> Both these exits are between Watt Rd. and Cleveland where Ms. Morris reported a clear WHG signal on March 8th. This conclusion confirms the on/off test that showed no difference receiving WHG whether W289CU was on or off in these locations.</p> <p>Furthermore, original complaints from Ms. Farney and Mr. Singer also mention the I40/I75 split and or Watt Rd. as locations of interference. <u>Based on Ms. Morris March 8th testing and the on/off testing this is simply not accurate.</u></p> <p>The on/off test showed that some areas Ms. Morris states are “All WKGN” now do not receive WHG even with W289CU turned off. This matches with her statement of listening to WHG in some areas “for years.” As previously noted, and shown during the on/off test, other factors such as, but not limited to WCRK on 105.7 and WGAP’s translator on 105.9 may be contributing to different levels of reception over the years.</p>

W289CU, Knoxville, Tennessee
Facility ID No. 201183
File No. BLFT-20181004ABC
Interference Complaint (1800B3-KV)

<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints¹</u>	<u>Efforts to Resolve Interference</u>
Laury Rosenbalm, Jr. 147 High Point Lane Oak Ridge, TN 37830	<u>Type:</u> Vehicle Radio 2007 Chevy Colbalt <u>Manufacturer:</u> Not provided <u>Model Number:</u> Not provided <u>Serial Number:</u> Not provided	<p>Additional Communication after March 7, 2019 Deadline –</p> <p>Mr. Rosenbalm called and left voicemails on March 12th and March 13th with specific instructions on when he was available for a call back. I followed those instructions and returned his call after hours at 5:10 pm on March 13th. Mr. Rosenbalm answered the phone. I updated him on the current status directly from the FCC letter and that we were working to resolve complaints of interference. I informed him that the Interference Response is required to include the “specific devices receiving the interference (i.e. type of device, manufacturer’s name, model number, and serial number).” Mr. Rosenbalm stated that he drives a 2007 Chevy Colbalt and the device is in his vehicle. <u>He declined to provide additional information about his device.</u> Call Length: 4:07</p>	<p>During the on/off test, “sometimes on 640 almost to Broadway” area was WCRK faintly if at all, when W289CU was off. WIHG was not received in this area. Therefore, there is no interference in this area caused by W289CU.</p> <p>The engineering modification proposed will resolve interference that may persist in other locations farther west provided by Ms. Morris.</p> <p>Additional after March 7, 2019 Deadline –</p> <p>Mr. Rosenbalm reports interference in Oak Ridge, TN. In testing with W289CU on, WIHG was clearly received along Pellissippi Parkway in between Oak Ridge, TN and W289CU. It’s unlikely that W289CU is creating interference with WIHG in this area. Even so, as previously noted, the engineering modification proposed will resolve interference that may persist there from W289CU. Oak Ridge is in the direction where the antenna pattern will change the most.</p>

ATTACHMENT B

Additional Listener Complaints Report

Attachment B
Additional Listener Complaints Report

<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints¹</u>	<u>Efforts to Resolve Interference</u>
Darrell Roddy 520 New Hope Rd. Rockwood, TN 37854	<p><u>Type:</u> Vehicle Radio 2013 F-150</p> <p><u>Manufacturer:</u> Not provided</p> <p><u>Model Number:</u> Not provided</p> <p><u>Serial Number:</u> Not provided</p>	<p><u>March 14, 2019</u> – 2:30 pm. Mr. Roddy answered the phone. I updated him on the current status directly from the FCC letter and that we were working to resolve complaints of interference. I informed him that the Interference Response is required to include the “specific devices receiving the interference (i.e. type of device, manufacturer’s name, model number, and serial number).” I asked for the device information. Mr. Roddy then stated that it was the radio in his F-150 truck. I asked him for the year of the vehicle. He replied that it was a 2013. I asked for the additional device information required by the FCC. He responded that he did not know that information and was not interested in finding it. Mr. Roddy then noted that the interference for him begins at the “truck weigh station” east of Watt Rd. and west of Campbell Station Rd. Call length: 4:42</p>	Mr. Roddy reports interference in his complaint “all over West Knoxville including I-40 before Watt Road and around Campbell Station Rd.” During the call Mr. Roddy specifically noted that interference begins at the “truck weigh station” east of Watt Rd. and west of Campbell Station Rd. The engineering modification proposed will resolve interference that may persist in the locations provided by Mr. Roddy.

¹ Efforts in resolving each interference complaint were made by Nathan Hodges, Owner/GM. All references to “I” are to Nathan Hodges.
(01298316-1)

W289CU, Knoxville, Tennessee
Facility ID No. 201183
File No. BLFT-20181004ABC
Interference Complaint (1800B3-KV)

<u>Complainant Name/Address</u>	<u>Device(s) Receiving Interference</u>	<u>Efforts to Resolve Complaints¹</u>	<u>Efforts to Resolve Interference</u>
Stephen F. Smith 550 Pickle Rd. Loudon, TN 37774	<p><u>Type:</u> Vehicle Radio 2005 Toyota Camry Windshield</p> <p><u>Manufacturer:</u> Not provided</p> <p><u>Model Number:</u> Not provided</p> <p><u>Serial Number:</u> Not provided</p>	<p><u>March 14, 2019</u> – 2:09 pm, Mr. Smith answered the phone. Because Mr. Smith has contacted me before about engineering work, we exchanged pleasantries. I then updated him on the current status directly from the FCC letter and that we were working to resolve complaints of interference. I informed him that the Interference Response is required to include the “specific devices receiving the interference (i.e. type of device, manufacturer’s name, model number, and serial number).” Mr. Smith stated, “I think the FCC has made a mess out of this.” I asked Mr. Smith about his claim that “historically [he has] been able to listen to WHG-FM even in downtown Knoxville.” Mr. Smith admitted that was prior to other stations going on the air, not simply W289CU. He mentioned WCRK on 105.7 and that he used to “listen farther east back in the old days.” Mr. Smith stated that the FCC has “allowed every Tom, Dick, Harry and Jack to put a Low Power FM on the air.” “I think the FCC has a defective propagation tool, it’s not right technically, it’s unfortunate that the FCC allowed the translator to be put in,” he added. Mr. Smith then asked about who had performed the engineering for me. I told him who it was. He stated that he knew the engineer. <u>Mr. Smith then inquired about doing engineering work for my station.</u> He stated, “I was looking for other frequencies for you.” I told him I appreciated it as he started telling me other frequencies that could be an option in the market. At least one specific frequency he mentioned I knew wasn’t an option off the top of my head. It seemed he may be looking for business as an engineer but I’m not sure. He kept saying to just let him know if “I needed any help.” I was able to ask him about the device he was using. He said it was his car radio in a 2005 Toyota Camry and that it was a windshield antenna. Mr. Smith added that the interference was better or worse depending on which way he was driving since the antenna was on the windshield. He stated that the interference begins for him at the Campbell Station area. He also stated that he wished he could hear WKGN on FM “in West Knoxville” because he lives “out that way in Loudon.” I thanked Mr. Smith for taking the time out of his schedule for the call. Call length: 17:28</p>	<p><u>Mr. Smith is a broadcast engineer upset with the methods for all FM translator applications. He expressed these thoughts and may have been looking to acquire business from WKGN as a result.</u> Mr. Smith originally stated that “historically [he has] been able to listen to WHG-FM even in downtown Knoxville,” but in the call clarified that the interference he has experienced since W289CU went on the air is in “West Knoxville” not downtown. Mr. Smith mentioned other factors for other areas. He specifically mentioned “Campbell Station Road.” Mr. Smith takes issue with LPFM and other FM translators going on the air complaining about how he used “to listen farther east back in the old days.” Mr. Smith also provided a map in his complaint displaying the areas of West Knoxville that he discussed on the call. The engineering modification proposed will resolve interference that may persist in the locations provided by Mr. Smith.</p>

ATTACHMENT C

Second Declaration of Nathan A. Hodges

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Application of)	
)	
Hodges Media, LLC)	Facility ID No. 201183
)	File No. BLFT-20181004ABC
Application for License to Cover)	
W289CU, Channel 289,)	
Knoxville, Tennessee)	

Attn: Chief, Audio Division, Media Bureau

SECOND DECLARATION OF NATHAN A. HODGES

I, **NATHAN A HODGES**, hereby attest to the following:

1. I am the Chief Executive Officer of Hodges Media, LLC ("Hodges Media"). I make this declaration in voluntary support of Hodges Media's Response ("Second Response") to the Interference Complaint ("Interference Complaint") of 3B Properties, Inc. ("3B Properties") concerning the alleged interference of Hodges Media's FM Translator W289CU, Knoxville, Tennessee (Facility ID No. 201183) ("W289CU") with the receipt of the signal of 3B Properties' FM broadcast station, WIHG, Rockwood, Tennessee (Facility ID No. 51113) ("WIHG").
2. To my knowledge and belief, on March 5, 2019, Hodges Media's legal counsel received an email ("Email") from James D. Bradshaw, Senior Deputy Chief, Audio Division, Federal Communications Commission ("FCC," or the "Commission"), instructing Hodges Media to respond within 30 days to 3B Properties' Interference Complaint – specifically with respect to the additional complaints filed on February 27, 2019 by the following individuals: Mr. Smith, Mr. Roddy, and Ms. Farney.
3. Following the Email, I contacted Mr. Smith and Mr. Roddy regarding their interference complaints. I did not contact Ms. Farney again due to her previous refusal to provide information about her complaint. When I contacted Mr. Smith and Mr. Roddy, I specifically requested the device information noted in the FCC's February 5, 2019 Letter ("Letter"), i.e., type of device, manufacturer's name, model number, and serial number. My efforts in resolving Mr. Smith and Mr. Roddy's interference complaints, and any and all information I received from the complainants regarding W289CU's alleged interference to their receipt of WIHG's signal is documented in the Additional Listeners Complaint Report, attached to the Second Response as **Attachment B**.
4. Due to the lack of cooperation by the complainants with my interference resolution efforts, I was largely unsuccessful in collecting from Mr. Smith and Mr. Roddy the

required information regarding the specific interfered-with devices as provided in the Letter.

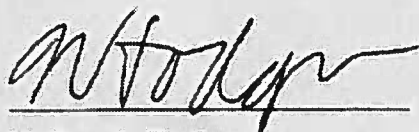
5. During this timeframe, I also successfully contacted Mr. Rosenbalm, a complainant listed in 3B Properties original Interference Complaint. Mr. Rosenbalm, however, declined to provide additional information about his complaint. My efforts in resolving Mr. Rosenbalm's interference complaint, and any and all information I received from him regarding W289CU's alleged interference to his receipt of WIHG's signal is documented in the Update to March 7, 2019 Complaint Report, attached to the Second Response as **Attachment A**.
6. While complainants Mr. Smith, Mr. Roddy, and Mr. Rosenbalm did not cooperate with my interference resolution efforts, I was able to continue my ongoing efforts in resolving Mr. Marino and Ms. Morris' interference complaints by conducting on/off testing at the locations in which they alleged interference. During this time, however, Mr. Marino and Ms. Morris failed to provide any additional information regarding their allegedly interfered with device as required by the Letter.
7. I began conducting on/off tests on March 7, 2019 in conjunction with Mr. Marino and Ms. Morris to determine areas in which WIHG may be experiencing interference from W289CU's signal. Details regarding the on/off testing are provided in the Additional Listeners Complaint Report, attached to the Second Response as **Attachment B**.
8. On/off testing revealed that while W289CU was not the source of the alleged interference to Ms. Morris' reception of WIHG's signal in most of the areas noted by Ms. Morris (except areas to the far west and closer to WIHG's transmitter), testing in the areas of interference alleged by Mr. Marino, however, revealed that WIHG's reception did improve when W289CU was turned off.
9. Based on the on/off testing results, Hodges Media tentatively proposes to modify W289CU's 60 dBμ service contour as shown in the map provided with Hodges Media's first interference complaint response dated March 7, 2019. The modification would eliminate the translator's service to large areas of western Knoxville, Tennessee. Based on the conclusions of its consulting engineers, Hodges Media believes that this proposed modification of W289CU's antenna pattern will mitigate any interference caused to WIHG's reception in the western areas of Knoxville, Tennessee, while permitting W289CU to continue providing a viable service to the Knoxville area.
10. To my knowledge and belief, Kirk Tollett of 3B Properties contacted Hodges Media's legal counsel, Keenan P. Adamchak, and informed him that 3B Properties would permit Hodges Media to utilize an engineering solution to resolve WIHG's interference issue. Due to cost restrictions, Hodges Media, however, may only pursue any such engineering solutions using its current equipment. Nevertheless, Hodges Media remains committed to finding a mutually-acceptable engineering solution.

11. For these reasons, I request that: (1) the complaints filed by complainants Ms. Farney, Mr. Smith, Mr. Rosenbalm, and Mr. Roddy be dismissed due to their lack of cooperation with my interference resolution efforts; and (2) the Commission hold any decision regarding W289CU's suspension of operations to ensure that Hodges Media can pursue the aforementioned engineering solutions if necessary to eliminate interference to WIHG while ensuring the continued operations of W289CU.

[SIGNATURE PAGE FOLLOWS]

I certify under penalty of perjury that the foregoing is true and correct.

Executed on March 28, 2019.

A handwritten signature in black ink, appearing to read 'N. Hodges', written over a horizontal line.

Nathan A. Hodges

ATTACHMENT D

Email Correspondence between Keenan P. Adamchak, Esq., Counsel for Hodges Media, LLC, and Kirk Tollett, Vice President/GM, 3B Properties (Mar. 12-20, 2019)

From: [Keenan Adamchak](#)
To: [Kirk](#)
Bcc: [Nate Hodges \(natehodes@sportsradioknoxville.com\)](mailto:natehodes@sportsradioknoxville.com)
Subject: RE: Hodges Media LLC - Response to W289CU Interference Complaint - FILED
Date: Wednesday, March 20, 2019 4:58:00 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image002.png](#)

Kirk:

Sorry for the delay in responding. I've spoken with my client regarding your proposal and they are working through different options. We will keep you updated.

Thanks,

Keenan

 **Fletcher, Heald & Hildreth**

Keenan P. Adamchak

Associate

1300 N. 17th Street, Suite 1100 | Arlington, VA 22209

(703) 812-0415

adamchak@fhhlaw.com

From: Kirk [mailto:kirk@3b.media]
Sent: Monday, March 18, 2019 12:51 PM
To: Keenan Adamchak <adamchak@fhhlaw.com>
Subject: RE: Hodges Media LLC - Response to W289CU Interference Complaint - FILED

Good Morning Keenan,

After reviewing the map you provided me, it appears that several of the areas the complainants were concerned about would still be affected by the modified pattern.

I would like to offer a potential solution. If W289CU were to employ an OMB YAV/3 antenna, physically side mounted to the northeast leg of their tower (no part of the antenna extends higher than the top of the tower/bottom of the beacon light) and orient the antenna at 60 degrees true north, I believe most, if not all the interference would cease. This pattern will still allow W289CU to cover everywhere it is currently covering away from us and toward the population centers of Downtown and northeast of Knoxville.

I have attached a map with the W289CU presently licensed contours and proposed contours using the OMB antenna. I have also attached the antenna pattern of the OMB YAV/3. This antenna is readily available off the shelf thru OMB in Miami.

Please discuss this with your client and consultants and let us know as quickly as possible if this

might work for them.

Best,

Kirk

From: Keenan Adamchak [<mailto:adamchak@fhhlaw.com>]
Sent: Wednesday, March 13, 2019 3:28 PM
To: Kirk
Subject: RE: Hodges Media LLC - Response to W289CU Interference Complaint - FILED

Kirk:

Attached is a color version of the map. The antenna make/model is a Scala, CA5-FM/CP/RM.

Thanks,

Keenan

 **Fletcher, Heald & Hildreth**

Keenan P. Adamchak

Associate

1300 N. 17th Street, Suite 1100 | Arlington, VA 22209

(703) 812-0415

adamchak@fhhlaw.com

From: Kirk [<mailto:kirk@3b.media>]
Sent: Tuesday, March 12, 2019 11:03 AM
To: Keenan Adamchak <adamchak@fhhlaw.com>
Subject: RE: Hodges Media LLC - Response to W289CU Interference Complaint - FILED

Good Morning Keenan,

I am reaching out to you in hopes of finding a mutually agreeable solution to our problems with interference from WKGN. Attachment B of your Interference Response filed with the Commission contained a proposed coverage map. Unfortunately, that map was in Black and White and the coverage contours were discernable. Could you please send me a color copy of Attachment B and let me know the brand and model number of the antenna proposed therein?

This may be an acceptable solution to our problem and I look forward to hearing from you.

Best,

Kirk

From: Keenan Adamchak [<mailto:adamchak@fhhlaw.com>]
Sent: Friday, March 08, 2019 9:11 AM
To: Kirk
Cc: 'Kim Varner'; James Bradshaw
Subject: RE: Hodges Media LLC - Response to W289CU Interference Complaint - FILED

Kirk:

Attached is the W289CU Interference Complaint Response.

Please let me know if you are unable to open the attachment.

Thanks,

Keenan

 **Fletcher, Heald & Hildreth**

Keenan P. Adamchak

Associate

1300 N. 17th Street, Suite 1100 | Arlington, VA 22209

(703) 812-0415

adamchak@fhhlaw.com

From: Kirk [<mailto:kirk@3b.media>]
Sent: Friday, March 08, 2019 10:09 AM
To: Keenan Adamchak <adamchak@fhhlaw.com>
Cc: 'Kim Varner' <Kim.Varner@fcc.gov>; James Bradshaw <James.Bradshaw@fcc.gov>
Subject: RE: Hodges Media LLC - Response to W289CU Interference Complaint - FILED

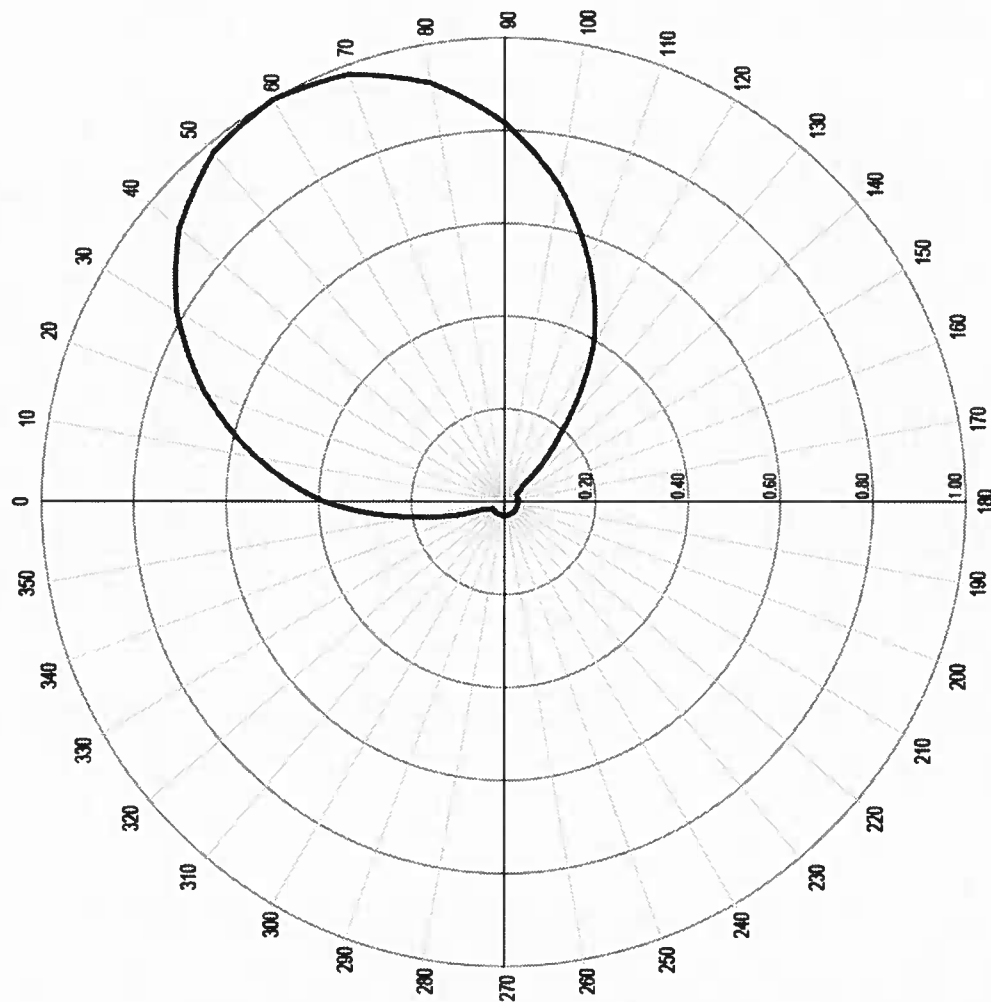
Good Morning Keenan,

There were no attachments to the below email and nothing is appearing yet on the CDBS. Could you please forward me a courtesy copy of your response? I would appreciate it very much.

Thanks,

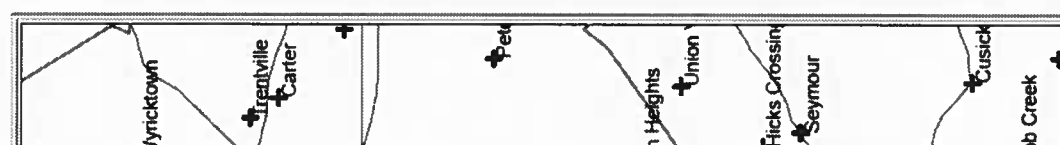
Kirk

From: Kim Varner [<mailto:Kim.Varner@fcc.gov>]
Sent: Friday, March 08, 2019 6:20 AM
To: Keenan Adamchak; James Bradshaw; kirk@3b.media



Azim	RelFS	ERP [W]	dBk
0 0	0.390	38.025	-14.199
5 0	0.467	54.522	-12.634
10 0	0.544	73.984	-11.309
15 0	0.617	95.172	-10.215
20 0	0.690	119.025	-9.244
25 0	0.753	141.752	-8.485
30 0	0.817	166.872	-7.776
35 0	0.866	187.489	-7.270
40 0	0.916	209.764	-6.783
45 0	0.948	224.676	-6.484
50 0	0.980	240.100	-6.196
55 0	0.990	245.025	-6.108
60 0	1.000	250.000	-6.021
65 0	0.990	245.025	-6.108
70 0	0.980	240.100	-6.196
75 0	0.948	224.676	-6.484
80 0	0.916	209.764	-6.783
85 0	0.866	187.489	-7.270
90 0	0.817	166.872	-7.776
95 0	0.753	141.752	-8.485
100 0	0.690	119.025	-9.244
105 0	0.617	95.172	-10.215
110 0	0.544	73.984	-11.309
115 0	0.467	54.522	-12.634
120 0	0.390	38.025	-14.199
125 0	0.290	21.025	-16.773
130 0	0.190	9.025	-20.446
135 0	0.120	3.600	-24.437
140 0	0.050	0.625	-32.041
145 0	0.040	0.400	-33.979
150 0	0.030	0.225	-36.478
155 0	0.030	0.225	-36.478
160 0	0.030	0.225	-36.478
165 0	0.030	0.225	-36.478
170 0	0.030	0.225	-36.478
175 0	0.030	0.225	-36.478
180 0	0.030	0.225	-36.478

Azim	RelFS	ERP [W]	dBk
185 0	0.030	0.225	-36.478
190 0	0.030	0.225	-36.478
195 0	0.030	0.225	-36.478
200 0	0.030	0.225	-36.478
205 0	0.030	0.225	-36.478
210 0	0.030	0.225	-36.478
215 0	0.030	0.225	-36.478
220 0	0.030	0.225	-36.478
225 0	0.030	0.225	-36.478
230 0	0.030	0.225	-36.478
235 0	0.030	0.225	-36.478
240 0	0.030	0.225	-36.478
245 0	0.030	0.225	-36.478
250 0	0.030	0.225	-36.478
255 0	0.030	0.225	-36.478
260 0	0.030	0.225	-36.478
265 0	0.030	0.225	-36.478
270 0	0.030	0.225	-36.478
275 0	0.030	0.225	-36.478
280 0	0.030	0.225	-36.478
285 0	0.030	0.225	-36.478
290 0	0.030	0.225	-36.478
295 0	0.030	0.225	-36.478
300 0	0.030	0.225	-36.478
305 0	0.030	0.225	-36.478
310 0	0.030	0.225	-36.478
315 0	0.030	0.225	-36.478
320 0	0.030	0.225	-36.478
325 0	0.030	0.225	-36.478
330 0	0.030	0.225	-36.478
335 0	0.040	0.400	-33.979
340 0	0.050	0.625	-32.041
345 0	0.121	3.660	-24.365
350 0	0.193	9.312	-20.309
355 0	0.291	21.170	-16.743



DECLARATION

I, Nathan A. Hodges, hereby attest to the following:

- I am the Chief Executive Officer of Hodges Media, LLC.
- I have personal knowledge of the facts set forth in the foregoing Response.
- I have read the Response, and the statements therein are truthful and correct to the best of my knowledge, information, and belief.

I hereby certify that to the best of my knowledge, information, and belief, under penalty of perjury, the foregoing statements are true and correct.


Nathan A. Hodges

Dated: March 28, 2019

CERTIFICATE OF SERVICE

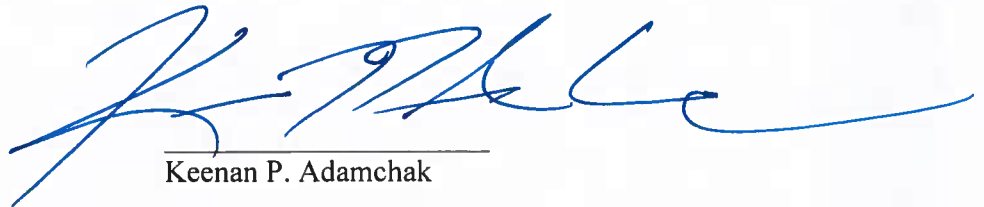
I, Keenan P. Adamchak, of Fletcher, Heald & Hildreth, PLC, hereby certify that I caused a true copy of the foregoing Response to be sent this 28th day of March, 2019, via U.S. First Class Mail, postage prepaid, or via email, where indicated, to the following individuals:

Mr. Kirk Tollett*
Vice President/GM
3B Properties, Inc.
37 South Dr.
Crossville, TN 38555
kirk@3b.media

James D. Bradshaw**
Kim Varner**
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
james.bradshaw@fcc.gov
kim.varner@fcc.gov

*via email and First Class U.S. Mail

**via email



Keenan P. Adamchak